# A Perspective for the Rights Movement

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The *rights movement* in India has plenty of experience today. It has studied the repressive apparatus of the Indian State in all its varied forms and contexts. It has seen and documented the havoc wrought by the disease of communalism on social relations and the life-situation of minorities. It has catalogued violence on socially disadvantaged sections of the population and the systematic deprivation they suffer. It has commented on the displacement and the ecological devastation that have come in the wake of "development". It has campaigned for better laws and for the repeal of oppressive laws. It has demanded justice from the institutions of democracy and unsparingly condemned their injustices. And today it is busy documenting the devastation neo-liberalism is bringing upon the people.

It has done everything except ask itself what it is doing, and why.

Today the agenda of the *rights movement* is so broad that it is forced to stop and ask itself where its borders stop and where the territory of political struggles begins. What exactly distinguishes it from other movements — more explicitly political — which also ask for the same rights and also protest the same deprivations? What exactly is its specific role, over and above the role the other political or mass movements play? What exactly does it do when, for instance, it talks about deprivation of workers' rights which cannot be done by trade unions? Is its work then confined to areas and situations where there are no unions, and if so, does the *rights movement* stop talking about workers' rights the moment the hypothetical point is reached where all the workers are unionised? And the same questions can be posed about the rights of Women, *Dalits* and Minorities, too.

There was little scope for such doubts so long as the *rights movement* confined itself to police atrocities and repression on political movements. It is with those issues that the *rights movement* as we know it today started its activity in our country. Since it is almost alone in espousing those issues — the issues of civil and political rights, pure and simple — it has no competition and therefore no need to explain the *raison d'être* of its existence and activity. There are many in the *rights movement* who believe that the movement should have stuck to such concerns only and should not have presumed

to widen its scope and trench upon the activity of other political movements, for in that realm it is (they say) superfluous even when not ineffectual.

All the political movements of the deprived and the oppressed, whatever their politics and whatever their form, are in a sense movement for rights, and many of them are quite substantial in their strength and spread. But the *rights movement as such*, constituted by the various civil, democratic and human rights organisations, is numerically slight and scattered in its spread. Why should it presume to duplicate the work of bigger and better organised *Dalit*, Women's, *Adivasis* and Workers' organisations?

The only possible answer to this question lies in recognising that a *right* has a civilisational significance over and above the gap it fills in the existence of the people who demand it at a given point of time. This is by no means to suggest that such people invariably and inevitably construe the rights they demand as narrow needs and not as values. Sometimes they do, and we seem to be going through a phase of history when such narrowness is more than typical. But it need not be so, and is not always so. Nevertheless, there is a distinct task of the espousal of a *right* as a civilisational value over and above the immediate demands that it is articulated to. Such espousal, to begin with, makes the value in question an element of social consciousness in general. From there it can be articulated to other needs and situations not dreamt of by the people whose struggle gave rise to it in the first place.

The *Dalit movement*, in its emphasis on the equal worth of all human beings, stresses a norm without which civilisation can hardly be complete — in India or any where. Only, it took a people systematically denied worth to recognise that such a principle underlies any respect-worthy notion of civilisation. Babasaheb Ambedkar encapsulated it in his memorable formula — *one man one value*. It took a dalit to formulate it in such terse language, but once it is so formulated it is easily identified as a principle whose reach goes well beyond the movement for the *annihilation of caste*. To take it beyond and help its reproduction in other relevant contexts is a task in itself.

The women's movement has focussed, among other things, on authority and power in inter-personal relations, and in human relations in general. That women are subjected to such authority and power every moment of their existence makes it apt that the questioning of authority as a human relation should come from the women's movement, but once it is made explicit, it ceases to be a matter of concern for women alone and becomes a matter of general concern for any democratic definition of *civilisation*. It lights a torch that will thenceforth look at every realm of human existence to ferret out symptoms of power.

Indeed, even when the *rights movement* was concerned exclusively about police atrocities on militant political movements and citizens in general, it was in fact holding up certain values and norms as definitive of civilised existence. That is not the way the

movements and the persons that suffer the repression see it, and the *rights movement* too may never have put it in those words. But nevertheless that is what it has been doing. Why indeed should the police not kill a revolutionary? The answer cannot be that the law says so, because the law may well say something else tomorrow. Indeed, it already says something else in the guise of the various *Armed Forces (Special Powers) Acts*. Nor can the answer be that the lives of revolutionaries are precious, because that would mean that others could be killed by the police, and in any case we all know that your revolutionary may well be my terrorist. Nor, finally, could it be said that what is being objected to is only the taking of life by the police of *this* State — which is a State of the oppressors — and nothing more. Such a reply would leave open the possibility that in a different State, the *rights movement* may well be found defending police violence, and why should anyone then heed the high moral tone of is critique of *this* State?

The only answer can be that there is something inherently valuable and precious about human life that will not countenance its cavalier deprivation. Whether that means that human life can never be taken by anyone under any circumstances is a very difficult question to answer, but that does not gainsay that it is the inherent value of *life* as a civilisational principle that lies at the root of opposition to gun wielding policemen being judges and executioners of citizens.

We are looking here at a trait peculiar to human consciousness. There would have been no notion of rights *as such* but only needs and wants if human consciousness did not possess the trait. It is that we can never think of a particular injustice without postulating a universal norm of justice. This is the anthropology of the notion of rights. We can never express a particular grievance without invoking a general norm of good and bad. A hungry person will not forever be content — unless hunger has rendered him excessively timid — pleading that since he has no food and others have more than they need, the others may kindly share it with him. He will start saying at some point that it is unjust that they do not. Nor can he merely say: 'it is unjust that I should go hungry when you people have enough food and more'. He must say: 'it is unjust that anyone should go hungry when others have more food than they need, and therefore the hungry one has a *right* to the extra food'. His need for food gives rise to a general principle which says that it is contrary to the notion of *rights* that some people are condemned to go hungry when there is food enough for all. This principle obviously outlives the satiation of his hunger and extends to needs other than food, too.

Thus there is a process of continuous generalisation of *needs* and *entitlements* into *rights*, which process expresses itself in the universal language of *justice*. The *rights movement* lives in this realm. Indeed, all political movements of a democratic character

do live here to some extent, but the *rights movement* dwells here predominantly if not exclusively. Its effective functioning in this realm can contribute a lot to civilisation. Recognising the general principles emanating from each just aspiration, articulating them to other contexts and situations and thereby weaving a garment of rights, working for their spread in social consciousness and their institutionalisation in social and State institutions, and agitating for the protection and implementation of the institutionalised rights is the realm of activity of the *rights movement*. This is what, indeed, it has been doing all along, but the radical political philosophy that most rights activists in our country espouse has inhibited its expression, since this way of expressing it would sound suspiciously 'idealistic' to such a view point.

There are, broadly, three sources from which we have received the civilisational norms that constitute rights as we understand them today. One is the western democratic tradition that is characterised by the affirmation of a number of civil and political rights as inviolable rights of citizens vis-à-vis the State. (I refer here to the genuine rights and not the so-called 'right' to unequal privileges such as property). It may be that this characteristic of modern western civilisation is not owed to the liberal humanism that it claims as its particular contribution to human thought, but rather it alone needed to define these rights of citizens, since other societies were not burdened by a State as all-encompassing as the modern western State, and therefore did not need to define these rights. This is not the occasion to express any view one way or another on this difficult dispute — there is much to be said on both sides, as the *cliché* goes - but the fact is that the State today is everywhere modeled on the modern western State, and hence willy-nilly the rights of the liberal tradition are instrumentally valuable for all of us, and the principle of inviolability of the person by structures of power — political or otherwise — goes beyond instrumental utility.

The *rights movement* recognises and condemns the crass hypocrisy that has often accompanied the celebration of these rights in the western tradition, of which the most central is the pretence that civil and political liberties can be equally enjoyed without reference to one's social-economic status and entitlements. But neither that nor the possibility that the rulers of those societies hoped that the rights would act as palliative for the people denied substantive livelihood rights is as central for the *rights movement* as their positive meaning as rights of the person *vis-à-vis* power structures. Hypocrisy must be unequivocally exposed, and the people should be educated not to accept civil and political rights as a substitute for livelihood rights, but rather cherish the former in themselves and also use them as instruments for realising the latter, which in any case they do day in and day out. But the *rights movement* should be clear about the civilisational significance of the civil liberties of liberal humanism and its duty in keeping them alive in social thought and institutions. This should be difficult

only for that brand of radicalism that believes that the hypocrisy and the palliation are not contingent matters but the essence of liberal humanism, and therefore the more we work for their realisation in social consciousness and institutions the more we will serve the hegemonic purposes of the Capitalist State. For such a radicalism, it is obvious, the *rights movement* as we know it today is itself an ideological charade, and therefore it cannot possibly inform the movement's world view. It is, however, a striking paradox of the *rights movement* of India that perhaps a majority of its activists owe political allegiance to such a radicalism. This is the main reason why it has been reluctant to theorise its activity.

The second tradition arises from the running critique — expressed not only in debating halls but in the form of very painful struggles — of the inherent limitations of the rights of liberal humanism and its hypocrisy in practice. The hypocrisy has had its apogee in the direct and indirect wars waged by the US all over the world in the last fifty years in the service of 'democracy' and 'human rights', but it has an old history. The limitations, of course, were obvious from the outset. The privileging of civil and political rights over the basic livelihood rights — the US to this day takes the stand that livelihood rights are not rights as such but a matter of policy within the discretion of the decision-makers of the society in question — has been questioned almost from the beginning of the era of liberalism. Women, workers and other labouring poor, racial minorities and colonised people questioned and continue to question the lopsided understanding of democracy and *rights* within the liberal tradition, and the further grotesque form neo-liberal arrogance is reducing it to. The critique took organised form in diverse political movements, of which the socialist movement was the most successful. The debate between liberalism and its socialist critique had some fruitful consequences, and the United Nations, for instance, was impelled to prepare a charter of livelihood rights in the teeth of opposition from the US, but in the cold war period the debate was reduced to a grotesque caricature, with each side reducing the other's position to meaningless absurdities. The *rights movement* is yet to recover from the ill-effects of this era. But the more fruitful moments of the debate have postulated a number of principles constitutive of civilisation worth the name. They cannot be reduced to but can be briefly summed up by saying that all human beings, as individuals and collectivities, are entitled to all the freedom, the opportunities and the material entitlements that will enable them to grow and develop as completely as the current stage of material civilisation will allow. This is without prejudice to the possibility that humanity may well decide to restrict the degree of material development it will permit itself in the interests of the survival of its habitat and its progeny.

The third tradition is derived from the history and politics of India. Caste and caste ideology — *Brahminism* - is of course a form of oppression peculiar to India. The

opposition to it is as old as the middle of the first millennium BC, and has centrally upheld the notion of equal human *worth*, which is not reducible to equal material entitlements or equal political rights. That struggle goes on to this day, for caste Hindu society is reluctant to do any thing more than pay lip service to that notion. Moreover, the privileging of some people/classes in the matter of worth is not confined to the institution of caste, nor is it confined to India. In that sense, the emphasis on equal *human worth* is a civilisational contribution that the anti-caste movement has made.

But that is not the only contribution our understanding of rights gains from Indian history and politics. Ours is a country subjected to colonial/neo-colonial domination, and a plural society proclaiming the possibility of living and thriving as such. This experience and the struggles it has forced upon us has taught us many values that inform our understanding of rights. And it appears that it is these two struggles that confront us as immediate political tasks today. All the values that we have learnt from the history of other people must today be integrated with the lessons our own history has taught us in this regard to create a rights consciousness and rights bearing institutions that will assist this process.

I am aware that there is a point of view which says that the exclusive emphasis on rights is itself an individualist western notion, and that it is not conducive to the humane life that should be the goal of democratic struggles. Rights, in this view, should be intertwined with the obligations that bind people on the basis of mutuality. This view proceeds on the assumption that rights are necessarily individualist, and are generally opposed to associated existence. It also, in its extreme formulations, supposes that an ideal collectivity requires no rights for individuals against the collectivity. These are easily shown to be untenable assumptions, but that would take us well beyond the scope of the present article. However, two things need to be said and they should suffice for the present.

One, an idea is not necessarily wrong because it is *western* in its origin. It should not have been necessary to say this, except that a number of people who do not belong to the *Viswa Hindu Parishad* talk as if describing something as *western* self-evidently makes it oppressive/undemocratic. While there can be no doubt that the excessive individualism that characterises the more negative aspects of modern western life is undesirable in the extreme, the recognition given to the rights and entitlements of human beings as *individuals* is a very positive contribution made by the western democratic revolution to human civilisation. The submergence of the individual in a supra-individual collectivity such as the State, community, caste or family may not be as abhorrent to every point of view as to the liberal, but it must nevertheless be recognised that it can oppress the individual's development and self-realisation unless the collectivity is very egalitarian — which is rarely the case. Moreover, unless we

confine the discourse of rights within the liberal framework, all rights do not enhance individualism in society. Many of them, even if they endow individuals with rights, are defined in terms of a collectivity, and make sense only for a collectivity. This is true of a range of rights from the right to food and employment to the right to a clean environment. In fact, even the very 'liberal' rights of free speech, association and self-determination are collective rights, rights necessary for any shared existence. But it is equally essential to endow individuals with rights *against* every collectivity, even the most benign collectivity, if the collectivity is not to oppress the individual.

Two, the characterisation of rights made above is not predicated on any particular way of ordering society, provided only it is not inimical to the realisation and enjoyment of the rights. After the experience of twentieth century experiments at building an alternative to capitalism, I do not think it is possible to be dogmatic about alternatives. Hopefully, society based on mutuality and sharing will be possible. But the notion of rights cannot be predicated upon any utopian model for the future.